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*Interim Co-Lead Counsel for Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

KIMBERLEY MAIN, an individual, on behalf  
of herself and all others similarly situated,

Plaintiffs,

v.

WAL-MART STORES, INC., a Delaware  
corporation, and DOES 1 through 50 inclusive

Defendants.

) Consolidated Case No. C 11-01919 JSW

) Consolidated with:

) Case No. C 11-02001 JSW

) Case No. C 11-02893 JSW

) Case No. C 11-02659 JSW

) **NOTICE OF MOTION AND  
UNOPPOSED MOTION FOR AWARD  
OF ATTORNEYS' FEES, COSTS AND  
INCENTIVE AWARDS**

) Date: May 24, 2013

) Time: 9:00 a.m.

) Ctrm.: 11, 19th Floor

) Judge: Hon. Jeffrey S. White

1           **TO THE HONORABLE JEFFREY S. WHITE, ALL PARTIES AND TO THEIR**  
2           **RESPECTIVE ATTORNEYS OF RECORD HEREIN:**

3           **PLEASE TAKE NOTICE** that on May 24, 2013, at 9:00 a.m., or as soon thereafter as  
4 counsel may be heard in Courtroom 11 of the above-entitled Court, located at 450 Golden Gate  
5 Avenue, Courtroom 11, 19<sup>th</sup> Floor, San Francisco, California, 94102, Plaintiffs will, and hereby  
6 do, move the Court for an Award of Attorneys' Fees, Costs and Incentive Awards in this matter.

7           This motion is based on this Notice of Motion and Motion, the accompanying  
8 Memorandum of Points and Authorities, the supporting declarations and exhibits submitted  
9 herewith, the records and files in this action, and upon such further and additional papers and  
10 argument as may be presented herein.

11           On January 22, 2013, this Court granted preliminary approval of the Class Action  
12 Settlement in this matter, and ordered Defendant Wal-Mart Stores, Inc. to provide notice to the  
13 Class of the pendency of the action and the pendency of the preliminarily approved settlement.  
14 Also, in the Preliminary Approval Order, the Court ordered Class Counsel to file a Motion for an  
15 Award of Attorneys' Fees, Costs and Incentive Awards within seventy-five (75) days after the  
16 Court grants preliminary approval of the class action settlement. This Motion is timely filed to  
17 allow Class members an opportunity to review this Motion in advance of the deadline. The Class  
18 Members have already had ample time to review the proposed settlement, which disclosed the  
19 amount of fees sought by Class Counsel and the incentive awards sought by the Class  
20 Representatives, and file any objections to the approved settlement. *To date, not a single class*  
21 *member has objected to the preliminarily approved settlement.*

22           Accordingly, without any objections to the settlement to date by the Settlement Class  
23 received to date and without opposition by Defendant, Plaintiffs submit this Unopposed Motion  
24 for an Award of Attorneys' Fees, Costs, and Incentive Awards on the grounds that the fees are  
25 reasonable, are the product of an arms-length settlement negotiation, and have been agreed to by  
26 Defendant.

27       ///

28       ///

1 Dated: April 8, 2013

Respectfully Submitted,  
STONEBARGER LAW, APC  
WESTRUP KLINK LLP

5 By: /s/ Gene J. Stonebarger

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